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STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Succession of States in respect of international human rights treaties

Report of the Secretary-General

Introduction

1. The Commission on Human Rights at its forty-ninth session adopted resolution 1993/23 of 5 March 1993, entitled "Succession of States in respect of international human rights treaties", in which it encouraged successor States to confirm officially that they continued to be bound by obligations under relevant international human rights treaties and urged those that had not yet done so to ratify or to accede to those international human rights treaties to which the predecessor States had not been parties. The Commission requested the Secretary-General to report to it at its fiftieth session in regard to action taken in respect of the succession or accession to international human rights treaties of successor States which were members of the United Nations. The report is contained in document E/CN.4/1994/68.

2. At its fiftieth session, the Commission adopted resolution 1994/16 of 25 February 1994, in which it emphasized the special nature of the treaties aimed at the protection of human rights and fundamental freedoms and reiterated its call to successor States which had not yet done so to confirm to appropriate depositaries that they continued to be bound by obligations under international human rights treaties. The Commission also requested the human rights treaty bodies to consider further the continuing applicability of the respective international human rights treaties to successor States, with the aim of assisting them in meeting their obligations. Additionally, it

requested the Secretary-General to encourage successor States to confirm their obligations under the international human rights treaties to which their predecessors were a party, as from the date of their independence and to report to the Commission at its fifty-first session on action taken in that respect. The present report is prepared pursuant to that request.

Measures undertaken by various treaty bodies

The Human Rights Committee

3. The Human Rights Committee, in its decision of 7 October 1992, by which it requested the Governments of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to submit a special report in respect of events - now coming under their jurisdiction - affecting human rights protected under the Covenant, emphasized that all the people within the territory of a new State that constituted a part of the former Yugoslavia were entitled to the guarantees of the Covenant.

4. Subsequently, at its forty-sixth session (October/November 1992), the Committee considered the special reports submitted by the three Governments. In its comments adopted at the end of the consideration of the report of Bosnia and Herzegovina, the Committee noted that by complying with the Committee's request to submit a report, and by sending a delegation before it, the Republic of Bosnia and Herzegovina had confirmed its succession to the obligations undertaken under the Covenant by the former Federal Socialist Republic of Yugoslavia in respect of the territory now forming part of the Republic of Bosnia and Herzegovina. It recommended that the Republic of Bosnia and Herzegovina formalize its succession to the Covenant by submitting the appropriate notification to the Secretary-General of the United Nations. Subsequently, on 1 September 1993, the instrument of succession to the Covenant of the Republic of Bosnia and Herzegovina, with effect from 6 March 1992 (date of its independence), was received by the Secretary-General. The instrument of succession to the Covenant of Croatia had been received on 12 October 1992, with effect from 8 October 1991 (date of its independence).

5. At its forty-seventh session (March/April 1993), the Committee, stated that all the people within the territory of a former State party to the Covenant remained entitled to the guarantees of the Covenant, and that, in particular, Armenia, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, the Former Yugoslav Republic of Macedonia, Turkmenistan and Uzbekistan were bound by the obligations under the Covenant as from the date of their independence. Consequently, it noted that reports under article 40 became due and requested, in notes verbales dated 28 May 1993 addressed to the Ministers for Foreign Affairs of those States, that such reports be submitted to it. No reports have been sent to the Committee in reply to that request. However, since the closure of the Committee's forty-seventh session, Armenia and Georgia have acceded to the Covenant, and the Former Yugoslav Republic of Macedonia have succeeded to it.

6. During its fifty-first session, the Human Rights Committee considered the initial report of Azerbaijan. In its comments, the Committee noted that "Azerbaijan had declared that it was bound by the Covenant through a

declaration of accession, though it would have been correct for it to have regarded itself as succeeding to the obligations of the Covenant as a member State of the former Soviet Union". The Committee added, however, that "the delegation of Azerbaijan, when addressing questions raised by members of the Committee, had not denied accountability for events that occurred in the country after the date of independence but before the date of accession".

Committee on the Elimination of Racial Discrimination

7. At its forty-second session (March 1993), the Committee on the Elimination of Racial Discrimination adopted General Recommendation XII (42), in which it encouraged successor States that had not yet done so to confirm to the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination, that they continued to be bound by obligations under that Convention, if predecessor States had been parties to it. The Committee, in the same recommendation, also invited successor States to accede to the Convention if predecessor States had not been parties to it.

8. In its Decision I (42) adopted at its forty-second session on 19 March 1993, the Committee requested the Government of Yugoslavia (Serbia and Montenegro), the Government of the Republic of Croatia and the Government of the Republic of Bosnia and Herzegovina to submit, in accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, further information on the implementation of the Convention. The information received from the three Governments was considered by the Committee during its forty-third session. The Government of Bosnia and Herzegovina deposited its instrument of succession to the Convention with the Secretary-General on 16 July 1993.

9. On 25 May 1994, the Committee sent a communication to those States of the former Soviet Union which had not yet declared their adherence or succession to the Convention, namely Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Lithuania, Tajikistan, Turkmenistan and Uzbekistan. In that communication, the Committee recalled that the Union of Soviet Socialist Republics had been a State party to the Convention and that consequently the protection against racial discrimination had extended prior to the latter's dissolution to the inhabitants of the territory of the successor States. The Committee therefore invited the Governments of the above-mentioned States to make the appropriate notifications to the Secretary-General confirming the applicability of and compliance with the Convention's provisions. Following the transmittal of that communication, the Secretary-General received the instrument of accession of Turkmenistan on 29 September 1994.

Fifth meeting of persons chairing the human rights treaty bodies

10. During the 5th meeting of persons chairing the human rights treaty bodies, which was held from 19 to 23 September 1994, the question of State succession was discussed. The chairpersons noted with concern that a number of successor States to former States parties to the human rights treaties had not yet formally confirmed to the Secretary-General their succession. The chairpersons therefore urged all successor States that had not yet done so to confirm as soon as possible their succession to those treaties. They also

welcomed the initiatives taken by some of the treaty bodies to bring this matter to the urgent attention of successor States and encouraged the other treaty bodies to take similar initiatives. The chairpersons emphasized, however, that they were of the view that successor States were automatically bound by obligations under international human rights instruments from the respective date of independence and that observance of the obligations should not depend on a declaration of confirmation made by the Government of the successor State.

11. The status of succession, accession or ratification of human rights treaties by the new States successors to the former Yugoslavia, the former Soviet Union and the former Czechoslovakia is shown in the annex.

Annex

STATUS OF SUCCESSION, ACCESSION OR RATIFICATION OF HUMAN RIGHTS TREATIES BY STATES SUCCESSORS TO THE FORMER YUGOSLAVIA, THE FORMER SOVIET UNION AND THE FORMER CZECHOSLOVAKIA

1. International Covenant on Civil and Political Rights

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [s]
Croatia	12 October 1992 [s]
Slovenia	6 July 1992 [s]
The Former Republic of Macedonia	18 January 1994 [s]
Yugoslavia	2 June 1971
Armenia	23 June 1993 [a]
Azerbaijan	13 August 1992 [a]
Belarus	12 November 1973
Georgia	3 May 1994 [a]
Kazakhstan	-
Kyrgyzstan	7 October 1994 [a]
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	20 November 1991 [a]
Republic of Moldova	26 January 1993 [a]
Russian Federation	16 October 1973
Tajikistan	-
Turkmenistan	-
Ukraine	12 November 1973
Uzbekistan	-
Czech Republic	22 February 1993 [s]
Slovakia	28 May 1993 [s]

2. First Optional Protocol to the International Covenant on Civil and Political Rights

	Date of receipt of the instruments
Bosnia and Herzegovina	-
Croatia	-
Slovenia	16 July 1993 [a]
The Former Republic of Macedonia	-
Yugoslavia	-

Armenia	23 June 1993
Azerbaijan	13 August 1992 [a]
Belarus	30 September 1992 [a]
Georgia	3 May 1994 [a]
Kazakhstan	-
Kyrgyzstan	7 October 1994 [a]
Estonia	21 October 1991 [a]
Latvia	22 June 1992 [a]
Lithuania	20 November 1991 [a]
Republic of Moldova	-
Russian Federation	16 October 1973
Tajikistan	-
Turkmenistan	-
Ukraine	25 July 1991 [a]
Uzbekistan	-
Czech Republic	22 February 1993 [s]
Slovakia	28 May 1993 [s]

3. Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty

	Date of receipt of the instruments
Bosnia and Herzegovina	-
Croatia	-
Slovenia	10 July 1994
The Former Republic of Macedonia	-
Yugoslavia	-
Armenia	-
Azerbaijan	-
Belarus	-
Georgia	-
Kazakhstan	-
Kyrgyzstan	-
Estonia	-
Latvia	-
Lithuania	-
Republic of Moldova	-
Russian Federation	-
Tajikistan	-
Turkmenistan	-
Ukraine	-
Uzbekistan	-
Czech Republic	-
Slovakia	-

4. States which have made the declaration under article 41 of the Covenant on Civil and Political Rights

	Valid from	Valid until
Bosnia and Herzegovina	6 March 1992	indefinitely
Croatia	-	-
Slovenia	6 July 1992	indefinitely
The Former Republic of Macedonia	-	-
Yugoslavia	-	-
Armenia	-	-
Azerbaijan	-	-
Belarus	30 September 1992	indefinitely
Georgia	-	-
Kazakhstan	-	-
Kyrgyzstan	-	-
Estonia	-	-
Latvia	-	-
Lithuania	-	-
Republic of Moldova	-	-
Russian Federation	1 October 1991	indefinitely
Tajikistan	-	-
Turkmenistan	-	-
Ukraine	28 July 1992	-
Uzbekistan	-	-
Czech Republic	1 January 1993	indefinitely
Slovakia	1 January 1993	indefinitely

5. International Convention on the Elimination of All Forms of Racial Discrimination

	Date of receipt of the instruments
Bosnia and Herzegovina	16 July 1993 [5]
Croatia	12 October 1992 [5]
Slovenia	6 July 1992 [5]
The Former Republic of Macedonia	18 January 1994 [5]
Yugoslavia	2 October 1967
Armenia	23 June 1993 [a]
Azerbaijan	-
Belarus	8 April 1969
Georgia	-
Kazakhstan	-
Kyrgyzstan	-
Estonia	21 October 1991 [a]

Latvia	14 April 1992 [a]
Lithuania	-
Republic of Moldova	26 January 1993 [a]
Russian Federation	4 February 1969
Tajikistan	-
Turkmenistan	29 September 1994 [a]
Ukraine	7 March 1969
Uzbekistan	-
Czech Republic	22 February 1993 [b]
Slovakia	28 May 1993 [b]

6. States parties that have made the declaration under article 14, paragraph 1, of the Convention on the Elimination of All Forms of Racial Discrimination

	Date of deposit of the declaration
Bosnia and Herzegovina	-
Croatia	-
Slovenia	-
The Former Republic of Macedonia	-
Yugoslavia	-
Armenia	-
Azerbaijan	-
Belarus	-
Georgia	-
Kazakhstan	-
Kyrgyzstan	-
Estonia	-
Latvia	-
Lithuania	-
Republic of Moldova	-
Russian Federation	1 October 1991
Tajikistan	-
Turkmenistan	-
Ukraine	28 July 1992
Uzbekistan	-
Czech Republic	-
Slovakia	-

7. International Covenant on Economic, Social and Cultural Rights

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [b]
Croatia	12 October 1992 [b]

Slovenia	6 July 1992 [b]
The Former Republic of Macedonia	18 January 1994 [b]
Yugoslavia	2 June 1971
Armenia	13 September 1993 [a]
Azerbaijan	13 August 1992 [a]
Belarus	12 November 1973
Georgia	3 May 1994 [a]
Kazakhstan	-
Kyrgyzstan	7 October 1994 [a]
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	20 November 1991 [a]
Republic of Moldova	26 January 1993 [a]
Russian Federation	16 October 1973
Tajikistan	-
Turkmenistan	-
Ukraine	12 November 1973
Uzbekistan	-
Czech Republic	22 February 1993 [b]
Slovakia	28 May 1993 [b]

8. Convention on the Elimination of All Forms of Discrimination against Women

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [b]
Croatia	9 September 1992 [b]
Slovenia	6 July 1992 [b]
The Former Republic of Macedonia	18 January 1994 [b]
Yugoslavia	26 February 1982
Armenia	13 September 1993 [a]
Azerbaijan	-
Belarus	4 February 1981
Georgia	26 October 1994 [a]
Kazakhstan	-
Kyrgyzstan	-
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	18 January 1994 [a]
Republic of Moldova	1 July 1994 [a]
Russian Federation	23 January 1981
Tajikistan	26 October 1993 [a]
Turkmenistan	-

Ukraine	12 March 1981
Uzbekistan	-
Czech Republic	22 February 1993 [5]
Slovakia	28 May 1993 [5]

9. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [5]
Croatia	12 October 1992 [5]
Slovenia	16 July 1993 [5]
The Former Republic of Macedonia	-
Yugoslavia	10 September 1991
Armenia	13 September 1993 [a]
Azerbaijan	-
Belarus	13 March 1987
Georgia	26 October 1994 [a]
Kazakhstan	-
Kyrgyzstan	-
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	-
Republic of Moldova	-
Russian Federation	3 March 1987
Tajikistan	-
Turkmenistan	-
Ukraine	24 February 1987
Uzbekistan	-
Czech Republic	22 February 1993 [5]
Slovakia	28 May 1993 [5]

10. Convention on the Rights of the Child

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [5]
Croatia	12 October 1992 [5]
Slovenia	6 July 1992
The Former Republic of Macedonia	2 December 1993 [5]
Yugoslavia	3 January 1991

Armenia	23 June 1993 [a]
Azerbaijan	13 August 1992 [a]
Belarus	1 October 1990
Georgia	2 June 1994 [a]
Kazakhstan	12 August 1994 [a]
Kyrgyzstan	7 October 1994 [a]
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	31 January 1992 [a]
Republic of Moldova	26 January 1993 [a]
Russian Federation	16 August 1990
Tajikistan	26 October 1993 [a]
Turkmenistan	20 September 1993 [a]
Ukraine	28 August 1991
Uzbekistan	29 June 1994 [a]
Czech Republic	22 February 1993 [s]
Slovakia	28 May 1993 [s]

11. Convention on the Prevention and Punishment of the Crime of Genocide

	Date of receipt of the instruments
Bosnia and Herzegovina	29 December 1992 [s]
Croatia	12 October 1992 [s]
Slovenia	6 July 1992 [s]
The Former Republic of Macedonia	18 January 1994 [s]
Yugoslavia	29 August 1950
Armenia	23 June 1993 [a]
Azerbaijan	-
Belarus	11 August 1954
Georgia	11 October 1993 [a]
Kazakhstan	-
Kyrgyzstan	-
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	-
Republic of Moldova	26 January 1993 [a]
Russian Federation	3 May 1954
Tajikistan	-
Turkmenistan	-
Ukraine	15 November 1954
Uzbekistan	-
Czech Republic	22 February 1993 [s]
Slovakia	28 May 1993 [s]

12. Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [s]
Croatia	12 October 1992 [s]
Slovenia	6 July 1992 [s]
The Former Republic of Macedonia	18 January 1994 [s]
Yugoslavia	9 June 1970
Armenia	23 June 1993 [a]
Azerbaijan	-
Belarus	8 May 1969
Georgia	-
Kazakhstan	-
Kyrgyzstan	-
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	-
Republic of Moldova	26 January 1993 [a]
Russian Federation	22 April 1969
Tajikistan	-
Turkmenistan	-
Ukraine	19 June 1969
Uzbekistan	-
Czech Republic	22 February 1993 [s]
Slovakia	28 May 1993 [s]

13. International Convention on the Suppression and Punishment of the Crime of Apartheid

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [s]
Croatia	12 October 1992 [s]
Slovenia	6 July 1992 [s]
The Former Republic of Macedonia	18 January 1994 [s]
Yugoslavia	1 July 1975
Armenia	23 June 1993 [a]
Azerbaijan	-
Belarus	2 December 1975
Georgia	-
Kazakhstan	-
Kyrgyzstan	-

Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	-
Republic of Moldova	-
Russian Federation	26 November 1975
Tajikistan	-
Turkmenistan	-
Ukraine	10 November 1975
Uzbekistan	-
Czech Republic	22 February 1993 [s]
Slovakia	28 May 1993 [s]

14. International Convention against Apartheid in Sports

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [s]
Croatia	12 October 1992 [s]
Slovenia	-
The Former Republic of Macedonia	-
Yugoslavia	22 December 1989
Armenia	-
Azerbaijan	-
Belarus	1 July 1987
Georgia	-
Kazakhstan	-
Kyrgyzstan	-
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	-
Republic of Moldova	-
Russian Federation	11 June 1987
Tajikistan	-
Turkmenistan	-
Ukraine	19 June 1987
Uzbekistan	-
Czech Republic	22 February 1993 [s]
Slovakia	-

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a: accession
s: succession

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